

petite, bad breath, sick headache, dizziness, sensation of fullness after meals, uneasiness, depression of spirits, etc., may find relief with the use of: To-Ne-ka Herbs * * * for the relief from ills of mankind * * * If you seem to lack the pep and go that you used to have, if your liver seems sluggish and your legs feel crampy * * * Try To-Ne-Ka Herbs"; (Black Eagle medicine) "To have normal elimination instead of the harsh laxative way, use this gentle but positive liquid herb medicine that encourages daily, regular elimination * * * When you are tired and feel worn out, troubled with biliousness * * * sick, sour stomach, gas on stomach, poor appetite, fullness after meals * * * Enjoy New Life * * * You may be free of all * * * bad breath, sick headaches, dizziness, depression of spirits; you may enjoy a feeling of new life—have pep and go * * * When your liver seems sluggish and your legs feel crampy—you may find relief in the use of Black Eagle Brand Medicine * * * A Liquid Herb Medicine that is easy and pleasant to take. Contains nothing harmful and may be taken by children as well as adults with assurance of safety"; and (Toneka tonic tablets) "When there is Lack of Zip and Zest, and you otherwise Don't Feel up to par * * * When you feel nervous, dull, lazy, and have no ambition to work or play * * * feel blue, when headaches get the best of you and you feel old before your time, and life seems to be not worth living * * * Toneka Iron Tonic may then be what you need * * * Nature's minerals and roots, the oldest and most reliable remedy for rheumatism, kidney and stomach ailments. Watch your elimination from your bowels a day or two after using it. The waste, black as the color of your shoes, will start to break away * * * Also examine your urine. You may see poisonous wastes and impurities coming from your kidneys, relieving you * * * Try Toneka Iron Tonic Tablets Regardless of how long you have been suffering."

The articles were misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: March 14, 1951. Default decree of condemnation and destruction.

3352. Misbranding of Yerbama. U. S. v. 100 Packages, etc. (F. D. C. No. 30335. Sample No. 80139-K.)

LABEL FILED: December 11, 1950, District of Massachusetts.

ALLEGED SHIPMENT: From the Country of Brazil.

PRODUCT: 100 8-ounce packages of *Yerbama* at Boston, Mass., in possession of the Brazilian Yerbama Co., together with a quantity of the product in bulk, a number of booklets entitled "Health," and a number of leaflets entitled "Yerbama."

RESULTS OF INVESTIGATION: The article was imported from Brazil in bulk, and a portion was repackaged and relabeled by the dealer. The booklets and the leaflets were printed locally for the dealer.

LABEL, IN PART: (Package) "Yerbama * * * Contents: 100% Dried Leaves *Ilex Paraguensis*."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements, which appeared on the package label and in the booklets and leaflets, were false and misleading since the action of the article on the user differed from that stated and implied: (Carton label) "Nutritious and bracing for nerve and muscle Does not cause insomnia or disturbance of heart action * * * a nutritious and mentally invigorating food beverage. It stimulates the func-

tions of the brain and muscles * * * Yerbama is a first class stimulant for the muscles, nerves and brains * * * without affecting the heart or disturbing the sleep. It is less of an excitant than tea or coffee and * * * does not cause insomnia, neither does it cause perturbations of the heart * * * there is no harmful physical reaction or mental disturbance." (Booklet entitled "Health") "Health * * * Out-Of-Repair Must Not Be Asked To Wait Good Health! From the U. S. of Brazil * * * a nutritious and mentally invigorating food-beverage. The millions in South America who consume it daily * * * live long to rejoice in it. The State of Parana is famed for its high percentage of centenarians. Yerbama * * * from the sunny plantations of Parana * * * It acts as a restorative after great fatigue * * * a fortifier against severe mental or physical work"; and (leaflet entitled "Yerbama") "* * * Nutritious & Bracing For Nerve & Muscle Does Not Cause Insomnia Or Disturbance Of Heart Action."

Further misbranding, Section 502 (c), the information required by law to appear on the label, namely, the common or usual name of the article, maté, was not prominently displayed on the label with such conspicuousness (as compared with the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: January 22, 1951. Default decree of condemnation and destruction.

3353. Misbranding of Alfamol. U. S. v. 9 Cartons * * *. (F. D. C. No. 30129. Sample No. 78852-K.)

LABEL FILED: November 17, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about September 11, 1950, by the Alfamol Co., from Shedd, Oreg.

PRODUCT: 9 unlabeled cartons each containing 1 bottle of *Alfamol* and a circular entitled "Alfamol" at Eureka, Calif. Examination showed that the product consisted essentially of sodium polysulfide, sodium sulfate, and sodium thiosulfate, dissolved in water.

LABEL, IN PART: (Bottle) "Two Fluid Ounces Alfamol."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label and in the circular, which represented and suggested that the article was effective in relieving the pains of arthritis and rheumatism, were false and misleading since the article would not be effective for such purposes; Sections 502 (b) (1) and (2), the carton label of the article failed to bear the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (e) (2), the article was fabricated from two or more ingredients, and the carton label failed to bear the common or usual name of each active ingredient.

DISPOSITION: December 13, 1950. Default decree of condemnation and destruction.

✓ **3354. Misbranding of Muscle-Rub. U. S. v. 79 Bottles, etc. (F. D. C. No. 28539. Sample No. 75425-K.)**

LABEL FILED: January 23, 1950, District of Colorado.